

UNITED STATES DISTRICT COURT
for the
Eastern District of Pennsylvania

Case No.

(to be filled in by the Clerk's Office)

Jeffrey Cowan

Plaintiff(s)

(Write the full name of each plaintiff who is filing this complaint. If the names of all the plaintiffs cannot fit in the space above, please write "see attached" in the space and attach an additional page with the full list of names.)

-v-

See Attached

Defendant(s)

(Write the full name of each defendant who is being sued. If the names of all the defendants cannot fit in the space above, please write "see attached" in the space and attach an additional page with the full list of names. Do not include addresses here.)

COMPLAINT FOR VIOLATION OF CIVIL RIGHTS
(Prisoner Complaint)

NOTICE

Federal Rules of Civil Procedure 5.2 addresses the privacy and security concerns resulting from public access to electronic court files. Under this rule, papers filed with the court should *not* contain: an individual's full social security number or full birth date; the full name of a person known to be a minor; or a complete financial account number. A filing may include *only*: the last four digits of a social security number; the year of an individual's birth; a minor's initials; and the last four digits of a financial account number.

Except as noted in this form, plaintiff need not send exhibits, affidavits, grievance or witness statements, or any other materials to the Clerk's Office with this complaint.

In order for your complaint to be filed, it must be accompanied by the filing fee or an application to proceed in forma pauperis.

James C. Kostura

Mark T. Bartholomew

John Harman

David C. Collins Sr.

Chad Rinker

Jeremy Ackerman

Charles Horvath

Cruz

Colleen Gahagan

Gilbert D'Angelo

Francis

I. The Parties to This Complaint

A. The Plaintiff(s)

Provide the information below for each plaintiff named in the complaint. Attach additional pages if needed.

Name

Jeffrey CowanAll other names by which
you have been known:8807ID Number
Current InstitutionNorthampton County Prison

Address

666 Walnut StreetEastonPA18042

City

State

Zip Code

B. The Defendant(s)

Provide the information below for each defendant named in the complaint, whether the defendant is an individual, a government agency, an organization, or a corporation. Make sure that the defendant(s) listed below are identical to those contained in the above caption. For an individual defendant, include the person's job or title (if known) and check whether you are bringing this complaint against them in their individual capacity or official capacity, or both. Attach additional pages if needed.

Defendant No. 1

Name

James C. Kostura

Job or Title (if known)

DOC Administer

Shield Number

Employer

Northampton County DOC

Address

666 Walnut streetEastonPA18042

City

State

Zip Code

 Individual capacity Official capacity

Defendant No. 2

Name

Mark T Bartholomew

Job or Title (if known)

Dept Warden

Shield Number

Employer

Northampton County DOC

Address

666 Walnut streetEastonPA18042

City

State

Zip Code

 Individual capacity Official capacity

Defendant No. 3

Name

John Harman
DOC administration

Job or Title (if known)

Shield Number

Employer

Northampton County DOC
666 Walnut Street
Easton PA 18042

Address

City

State

Zip Code

 Individual capacity Official capacity

Defendant No. 4

Name

David C Collins Sr.
Capt of NCP

Job or Title (if known)

Shield Number

Employer

Northampton County DOC
666 Walnut Street
Easton PA 18042

Address

City

State

Zip Code

 Individual capacity Official capacity

II. Basis for Jurisdiction

Under 42 U.S.C. § 1983, you may sue state or local officials for the "deprivation of any rights, privileges, or immunities secured by the Constitution and [federal laws]." Under *Bivens v. Six Unknown Named Agents of Federal Bureau of Narcotics*, 403 U.S. 388 (1971), you may sue federal officials for the violation of certain constitutional rights.

A. Are you bringing suit against (check all that apply):

Federal officials (a *Bivens* claim)
 State or local officials (a § 1983 claim)

B. Section 1983 allows claims alleging the "deprivation of any rights, privileges, or immunities secured by the Constitution and [federal laws]." 42 U.S.C. § 1983. If you are suing under section 1983, what federal constitutional or statutory right(s) do you claim is/are being violated by state or local officials?

8th Amendment + cruel and unusual

C. Plaintiffs suing under *Bivens* may only recover for the violation of certain constitutional rights. If you are suing under *Bivens*, what constitutional right(s) do you claim is/are being violated by federal officials?

D. Section 1983 allows defendants to be found liable only when they have acted "under color of any statute, ordinance, regulation, custom, or usage, of any State or Territory or the District of Columbia." 42 U.S.C. § 1983. If you are suing under section 1983, explain how each defendant acted under color of state or local law. If you are suing under *Bivens*, explain how each defendant acted under color of federal law. Attach additional pages if needed.

All Defendants acted under Pennsylvania State Law.

III. Prisoner Status

Indicate whether you are a prisoner or other confined person as follows (check all that apply):

- Pretrial detainee
- Civilly committed detainee
- Immigration detainee
- Convicted and sentenced state prisoner
- Convicted and sentenced federal prisoner
- Other (explain) Convicted County Prisoner

IV. Statement of Claim

State as briefly as possible the facts of your case. Describe how each defendant was personally involved in the alleged wrongful action, along with the dates and locations of all relevant events. You may wish to include further details such as the names of other persons involved in the events giving rise to your claims. Do not cite any cases or statutes. If more than one claim is asserted, number each claim and write a short and plain statement of each claim in a separate paragraph. Attach additional pages if needed.

A. If the events giving rise to your claim arose outside an institution, describe where and when they arose.

B. If the events giving rise to your claim arose in an institution, describe where and when they arose.

Northampton County while being taken to custody with excessive force

5.

Name Chad Rinkler
Job or Title Lt. Supervisor
Shield No.
Employer
Address Northampton County Doc
666 Walnut Street
Capacity Easton PA 18042 Individual capacity

6.

Name Jeremy ACKerman
Job or Title Lt Supervisor
Shield No.
Employer
Address Northampton County Doc
666 Walnut Street
Capacity Easton PA 18042 Individual capacity

7

Name Charles Horvath
Job or title NCP Investigator
Shield No.
Employer
Address Northampton County Doc
666 Walnut Street
Easton PA 18042
Capacity Individual Capacity

8

Name Roger Cruz
Job or Title C.O. NCP

Shield No.

Employer

Address Northampton County DOC

666 Walnut Street

Capacity Easton PA 18042

Individual Capacity

9. Name Colleen Gattagan

Job or title C.O. NCP

Shield No.

Employer

Address Northampton County DOC

666 Walnut Street

Capacity Easton PA 18043

Individual capacity

10. Name Gilbert D'Angelo

Job or title

Shield No.

Employer Northampton County DOC

Address 666 Walnut Street

Easton PA 18042

Capacity Individual Capacity

11. Name: John Francis

Job or title: C.O. NCP

Shield W.

Employer:

Address: Northampton County DOC

666 Walnut Street

Capacity: Easton PA 18042

-Individual Capacity

C. What date and approximate time did the events giving rise to your claim(s) occur?

In the mall in the jail by the kitchen An medical
happened on September 27 2021 9:05 AM

D. What are the facts underlying your claim(s)? (For example: What happened to you? Who did what? Was anyone else involved? Who else saw what happened?)

See attached

V. Injuries

If you sustained injuries related to the events alleged above, describe your injuries and state what medical treatment, if any, you required and did or did not receive.

excessive use of ~~less~~ excessive force of
Tazor usage / headaches / An a Feiger /
broken /
mental anguish

VI. Relief

State briefly what you want the court to do for you. Make no legal arguments. Do not cite any cases or statutes. If requesting money damages, include the amounts of any actual damages and/or punitive damages claimed for the acts alleged. Explain the basis for these claims.

~~②~~ Punitive, Damages

\$ 1,000,000.00

excessive force violation of 8th amendment right
against ~~②~~ (rule An unusual punishment)

iv. Statement of claim.

I. OK on the Day of 9/27/21 I got into 12 with a inmate I spit on Him C.O. Francis was the officer that seen it the other inmate tryed to hit me through the gate now I walk away Francis follow me He met me in the mall He said Put your hands behind your back & then C.O. Cruz came over An me An Officer Francis were talking An Cruz grab me aggressively An I said Sir Please don't touch me I'm talking to Francis officer Cruz said Put your "Fucking" Hand behind your back You or there's gonna be a problem Mr Francis said we'll talk about it on the Block Officer was grabbing me in my face talking to me disrespectfully saying He was gonna "Fuck me up" so I shoved Him then officer Cruz started hitting closed fisted punches to the face then Officer Francis grabbed my throat Hit me in the back of my Head I went forward some how all of use were on top of C.O. Cruz they started hitting me I was afraid for my life I didn't attack me at all I was not resisting ~~was~~ I was on the grab I was trying to get off of Mr Cruz everybody's weight An yelling to C.O.'s & they thought I was resisting no I was trying to get off of Him C.O. Francis said to C.O. Vaughn Tazor him & now An

Page 5 of 11 right away I put my hands behind my back

IV. Statement of Claim
Co.s Gilbert D'Angelo Colleen Gattagan not see
Francis or Cruz Hit me everybody came when we were
on the grab now they bring me to medical to take out
where the Tazor Hit me I told Lt. Jeremy ACKerman
that the only thing I did was move him I didn't tackle
him ~~him~~ hit him nothing they started hitting an I'm
trying to explain an there acting they don't care so I got up
I was yelling Lt. Cruz slammed my face up agressed the
wall them Lt. Chad ~~Reiter~~ Rinkler Tazor me again all
I was trying to do was tell them what they were using
aggressive force agressed me an they were lying about
what happened I didn't tackle or slam Officer Cruz all of
his weight on top of him or when he got up he moved
twisted his leg a serfin way he went to the hospital found
out he had a torn tendon. an the only thing ~~that~~ the
camera got was them trying to Handcuff me it does not show them
hitting me I told the Detective Charles Horvath they didn't
do nothing about it I put in a grievance about it they
denied it Co.s have been Harassing me Discremifive told
me they have Capt Collins denied me to speak to my lawyer
2 times

VII. Exhaustion of Administrative Remedies Administrative Procedures

The Prison Litigation Reform Act ("PLRA"), 42 U.S.C. § 1997e(a), requires that "[n]o action shall be brought with respect to prison conditions under section 1983 of this title, or any other Federal law, by a prisoner confined in any jail, prison, or other correctional facility until such administrative remedies as are available are exhausted."

Administrative remedies are also known as grievance procedures. Your case may be dismissed if you have not exhausted your administrative remedies.

A. Did your claim(s) arise while you were confined in a jail, prison, or other correctional facility?

Yes

No

If yes, name the jail, prison, or other correctional facility where you were confined at the time of the events giving rise to your claim(s).

Northampton County Prison

B. Does the jail, prison, or other correctional facility where your claim(s) arose have a grievance procedure?

Yes

No

Do not know

C. Does the grievance procedure at the jail, prison, or other correctional facility where your claim(s) arose cover some or all of your claims?

Yes

No

Do not know

If yes, which claim(s)?

All of my Claims

D. Did you file a grievance in the jail, prison, or other correctional facility where your claim(s) arose concerning the facts relating to this complaint?

Yes

No

If no, did you file a grievance about the events described in this complaint at any other jail, prison, or other correctional facility?

Yes

No

E. If you did file a grievance:

1. Where did you file the grievance?

Northampton County Prison

2. What did you claim in your grievance?

about what Happened
in detail

3. What was the result, if any?

The grievance system was bared of
use by continued denial.

4. What steps, if any, did you take to appeal that decision? Is the grievance process completed? If not, explain why not. (Describe all efforts to appeal to the highest level of the grievance process.)

continued grievances and hand written
letters.

F. If you did not file a grievance:

1. If there are any reasons why you did not file a grievance, state them here:

2. If you did not file a grievance but you did inform officials of your claim, state who you informed, when and how, and their response, if any:

G. Please set forth any additional information that is relevant to the exhaustion of your administrative remedies.

(Note: You may attach as exhibits to this complaint any documents related to the exhaustion of your administrative remedies.)

VIII. Previous Lawsuits

The "three strikes rule" bars a prisoner from bringing a civil action or an appeal in federal court without paying the filing fee if that prisoner has "on three or more prior occasions, while incarcerated or detained in any facility, brought an action or appeal in a court of the United States that was dismissed on the grounds that it is frivolous, malicious, or fails to state a claim upon which relief may be granted, unless the prisoner is under imminent danger of serious physical injury." 28 U.S.C. § 1915(g).

To the best of your knowledge, have you had a case dismissed based on this "three strikes rule"?

Yes

No

If yes, state which court dismissed your case, when this occurred, and attach a copy of the order if possible.

A. Have you filed other lawsuits in state or federal court dealing with the same facts involved in this action?

Yes

No

B. If your answer to A is yes, describe each lawsuit by answering questions 1 through 7 below. (If there is more than one lawsuit, describe the additional lawsuits on another page, using the same format.)

1. Parties to the previous lawsuit

Plaintiff(s) _____

Defendant(s) _____

2. Court (if federal court, name the district; if state court, name the county and State)

3. Docket or index number

4. Name of Judge assigned to your case

5. Approximate date of filing lawsuit

6. Is the case still pending?

Yes

No

If no, give the approximate date of disposition. _____

7. What was the result of the case? (For example: Was the case dismissed? Was judgment entered in your favor? Was the case appealed?)

C. Have you filed other lawsuits in state or federal court otherwise relating to the conditions of your imprisonment?

Yes No

D. If your answer to C is yes, describe each lawsuit by answering questions 1 through 7 below. (If there is more than one lawsuit, describe the additional lawsuits on another page, using the same format.)

1. Parties to the previous lawsuit

Plaintiff(s) _____

Defendant(s) _____

2. Court (if federal court, name the district; if state court, name the county and State)

3. Docket or index number

4. Name of Judge assigned to your case

5. Approximate date of filing lawsuit

6. Is the case still pending?

 Yes No

If no, give the approximate date of disposition _____

7. What was the result of the case? (For example: Was the case dismissed? Was judgment entered in your favor? Was the case appealed?)

IX. Certification and Closing

Under Federal Rule of Civil Procedure 11, by signing below, I certify to the best of my knowledge, information, and belief that this complaint: (1) is not being presented for an improper purpose, such as to harass, cause unnecessary delay, or needlessly increase the cost of litigation; (2) is supported by existing law or by a nonfrivolous argument for extending, modifying, or reversing existing law; (3) the factual contentions have evidentiary support or, if specifically so identified, will likely have evidentiary support after a reasonable opportunity for further investigation or discovery; and (4) the complaint otherwise complies with the requirements of Rule 11.

A. For Parties Without an Attorney

I agree to provide the Clerk's Office with any changes to my address where case-related papers may be served. I understand that my failure to keep a current address on file with the Clerk's Office may result in the dismissal of my case.

Date of signing: 12/10/2021

Signature of Plaintiff

Printed Name of Plaintiff

Jeffrey Cowan Jr.

Prison Identification #

6608807

Prison Address

666 Walnut Street

Easton

City

PA

State

18042

Zip Code

B. For Attorneys

Date of signing: _____

Signature of Attorney

Printed Name of Attorney

Bar Number

Name of Law Firm

Address

City

State

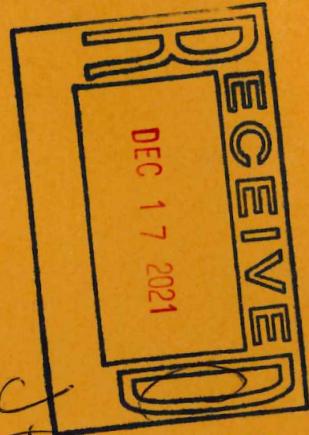
Zip Code

Telephone Number

E-mail Address

Jeffrey Bowan doc#8807
Northampton County Jail
1606 Walnut Street
Easton PA 18042

U.S.
X-RAYS.



DeKok Courts, E PA
JAMES A. BURKE U.S. Court House
Room 2109 601 Market Street
Philadelphia, PA 19106

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